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Sent: Monday, February 27, 2012 5:45 PM

To: Eli Gottesdiener

Cc: Shapiro, Howard (New Orleans); Eichberger, Nicole; DePietto, Bridgit M.; Griffin, Page W.; Andrew P. Carter; Matthew C. Norgard; Steven D. Cohen

Subject: RE: Osberg v. Foot Locker

Following up on our discussions on Friday, we propose that, in lieu of further discussions regarding amendments of the responses to interrogatory 24 and RFP 19-25, we proceed as follows:

First, we will make available for interview a suitable representative of the IT Departments of Foot Locker and Proskauer, who, like a Fed.R.Civ.P. 30(b)(6) witness, will be apprised in advance of your inquiries and will be prepared to respond, to the extent responsive information exists, to the subject matters of these requests, insofar as they pertain to the IT issues. These witnesses can be made available within the next week to ten days or so, depending in part on other activities in this case (as mentioned, I also have issues with Thursday and Friday this week, as does our IT person)

Second, we are preparing an attorney declaration which will set forth in detail the efforts made by Proskauer to collect documents (including ESI) relevant to this lawsuit and/or to insure that any such documents were not destroyed during the conduct of the litigation. Our current plan would be to get you this declaration by Thursday.

Myron D. Rumeld

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